

Police vol 14.

CONSIDERATIONS
ON THE
C A S E
OF THE
CONFINED DEBTORS
IN THIS KINGDOM.

*Homines ad Deos nulla re proprius accedunt quam solutem
Hominibus Dando.*

CICERO,

By C. W. JOHNSON, *h.*

OF THE HONORABLE SOCIETY OF LINCOLN'S INN.

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PREFACE.

To the PUBLIC.

THE many hardships under which the debtors of this kingdom labour, together with the failure of a bill brought into the upper house last session, has induced the author to publish the present remarks. As this business will probably soon be discussed, it is hoped, that should this pamphlet prove deficient in more minute enquiries, it will, however, experience some lenity from the consideration of this subject being likely to be thoroughly investigated by the ablest heads in Britain: The evils that exist, and the necessity of a reform, are generally acknowledged; should these sheets, by any means occasion, either a removal, or even a mitigation of these mischiefs; we shall esteem ourselves happy in being an humble advocate for the unfortunate: To those benevolent and patriotic characters who adorn the assemblies of this country, to those learned and respected

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magistrates,

magistrates, who preside over the tribunals of justice, are the insolvent—but unhappy debtors, to look up to for a speedy relief.

The principal design of this work is to excite attention to a point, which (except in a few trials) has long laid dormant. This will excuse, if conscious of inferiority of talents, we have not so copiously commented on the different remedies necessary in the abolition of so comprehensive a subject:—But as to inferiority of natural affection for our fellow-creatures, or veneration for our country, in either pursuit, we are proud to affirm, that we would not wish to be hindmost.

CONSIDERATIONS

ON THE CASE OF THE

CONFINED DEBTORS.

THE laws of every state, claim the respect of its members. It is not our wish to impeach so sacred an asylum. Good regulations assented to and confirmed by the voice of a free people, constitute the strongest links of any government. The ability of man never produced an edifice of a more beautiful structure, than the Constitution of Great Britain; deservedly however as it is esteemed, it is in some points capable of further improvement. Perfection is not in the power of man, and the relief of the **INSOLVENT DEBTORS**, claims the attention of our Legislature. As often as this much deserved object has been proposed, as often it has been defeated. We have hitherto been callous towards the calamities of our fellow-creatures. Many frivolous objections have been urged against this measure, some have evaded it, under the idea that this relief would be unjust! Others have alledged as an excuse for their apathy, a fear of breeding confusion. Again, there have not been wanting many, who consider the hardships

of the debtors as matter only of surmise; and the intemperancies committed in our prisons, have furnished others with like pretexts for excuses, which are equally as unjust as futile.

But let it not be said, that the love of justice or order, has occasioned this opposition to a point of general utility; they certainly have not. It is the duty of all good governments to hear the complaints—and redress the injuries of its citizens: Justice should ever be tempered with reason, and though a few exceptionable examples may be found; the cases of one or two are not to be reckoned the cases of all.

From a knowledge of the evils that exist, perhaps, in future, it will be as necessary to provide for the safety of the debtor as for the security of the creditor, our courts of justice have of late testified this assertion. Many are the usuries that have been brought to light of cent. per cent. charges. Of small sums advanced, swelling to an enormous bulk by means of goods given at exorbitant prices. I pass over the fraudulent transactions with minors, as entirely indefensible. The many precipices whose surfaces are so smooth and attracting, that the unfortunate seldom perceive the decoy, till the fall is beyond remedy: I mean **ADVERTISING MONEY LENDERS**. Gaming debts new modelled into legal obligations, small bills of cost magnified
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by chicanery into vast sums; these are but a few, of such practices, an enumeration of all would be tedious—*non mihi si centum or a omnia percurere nomina possim.* Virgil.

Most men will at first sight perceive the difference between an honest and fraudulent creditor. The first is entitled to all lawful remedies; the latter, though often the best secured, yet is not in equity deemed worthy to possess equal security with the former. The distinction of debts would be a truly desirable object—it is hard that no difference should be made, between a vender, who disposes of necessaries for an equitable price, and a man who sells damaged baubles for treble their value. In the one case, an injury is sustained, but as to the other, no valid consideration in goods is given: And an intelligent chapman will purchase for forty pounds, goods, that a careless man is charged one hundred pounds for. An equal difference appears on the side of the debtors. Some for small sums contracted with hopes of repayment, but by unavoidable accidents, prevented from fulfilling their engagements, are dragged from the embraces of a dependent family, and thrown penniless into a noisome prison. The man who gives up his property, and who by his personal labour, would have striven, by proportionate sums, to have satisfied his creditors, is not surely to be classed with the person who iniquitously retaining the mean of comfort, is indifferent about his liberty. This
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is no visionary picture, truth compels us to declare, that such a person can sooner compromise with his creditors, than the parent who would gladly sacrifice his life for the benefit of an expiring family.

In America and Holland, countries where reason and liberty have not shone more resplendent than in Britain, the bankrupt laws are founded on the basis of humanity and wisdom. No one making a fair surrender is liable to imprisonment. This is a salutary regulation:—The members of a state are not suffered to become inactive, nor does the public good produce individual damage, as concealment of effects is death by law, and embezzlers are liable to the punishments conferred on those, who are guilty of perjury.

The present debtor and creditor system, has instead of lessening, produced great corruption. A principle of carelessness, if not dishonesty, steals imperceptibly on men, when they reflect how egregiously they have been duped in most transactions. Lawful demands pass unheeded, where oppressive ones have been enforced. Young men of fashion, when half ruined by leeches of usurers, become insensible of just obligations. This neglect is not surprising, nor is it to be wondered at, that they rank all alike, when such temptations are hung out, such prodigious usury exacted, and these covenants so fraudulently, yet craftily maintained.

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If men of fortune experience such distresses, with what additional weight do they not fall on the lower order of society! Here the imprudent mechanic, often from trifling jealousies, is by his master consigned to prison and poverty. The purport of this work is not to condemn the case of creditors, but to strengthen their claims, when well founded. To have a line drawn as to the nature and grounds of demand. To have the greatness or smallness of the debts clearly investigated. To have the ability or insufficiency of the debtor fully proved. To have his conduct in life before his failure properly weighed, and also whether his remaining in gaol can benefit his creditors. These objects will merit attention. When people of dishonest principles fall into distress, little or no regard is paid to their complaints. But when we behold industry pining away by the weight of heavy disasters, we must admit that society sustains a loss in the absence of such an individual. Surely in this point of view both parties would be advantaged by an open compromise, the creditor would recover his demand, and the debtor be enabled to pursue his daily occupation. How blameable is the man who refuses this reconciliation, whom nothing short of the captivity of an unfortunate wretch will satisfy—it is declaring an unconcern for his money, but implies an experience of consolation in another's misery. Such people, destitute of all principle, wantonly sport with the feelings of others. Strangers
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may have an excuse for such conduct, but when it is known that friends, that even relations have been the first to employ such hateful means, it would be for the honor of human nature, if such scenes could be passed away.

Let the consequences attending the mode of procedure be enquired into, and we shall find that a total loss is mostly the fruit of such measures: few spirits are able to endure the damps of a prison; few fortunes can withstand the rapaciousness of its satellites; and resolute is that man, who can stem the torrent of its never ceasing iniquities. If the mind even in the calms of life, is so liable to be timid—if in the present extravagant age, moderate fortunes but suffice for the necessities of life—if the allurements of pleasure are so attracting as often to baffle the virtuous; how must these evils preponderate in the recesses of a gloomy prison. There the soul, void of hope, unsupported by the healing balm of advice, abandons itself to a deliberate despair—Virtue no longer retains her influence—Life loses its charms, and temperance her beauties. A short space of time exhausts any relief procured by the unfortunate—increasing difficulties are daily pouring in.—Friends grow cold (for, alas! the miserable have few)—The wretch looks round the world, but sees not a gleam of hope—Reflection must be stifled—and here begins the horrors of slavery. Words cannot convey an

an adequate idea of the debauchery and dissipation of a crowded place of confinement. Means are not wanting to perpetrate every species of villainy, and the morning's sun seldom shines there, but as a signal for additional vice. It may be depended upon, that scarcely five out of an hundred return from a gaol, with the same heads or hearts they entered it. Hence they become but indifferent members of society, and continue to remain ever after an incumbrance on their friends or the public. What public misfortunes, or private distresses, flow from these causes, are left to more profound speculators to determine; however it will hardly be denied that from thence we may date the origin of robbery, forgery, and their concomitant companions.

In the last session, mention was made * by a noble Peer (who like another Howard has proved himself the citizen of the world, and friend of mankind) of a woman confined forty years for a debt of £.20. There is undeniable evidence of another woman confined two years for a debt of £.8—and her groats during this period amounted to more, than the original debt for which she was impri-

Lord Rawdon. A nobleman, who, from his first commencement in life, has eminently distinguished himself, as the soldier, politician, and scholar. We derive real pleasure from having an opportunity of sacrificing at the shrine of patriotic honor, embellished with attic eloquence.

soned. It is no exaggeration to say, that there are persons confined much longer for less sums. We continually hear of men of worth and education, who from languishing most of their days in captivity, finish their career of life by dying there; deprived of medical assistance, clerical consolation, or the sad comfort of decent interment. It is notorious of many of these gentlemen, that if treated with a liberal indulgence, they would very soon have been enabled to have satisfied all obligations, and to have placed themselves in respectable situations in the world. It will not be deemed an impropriety to notice (in this part of our work) the case of many military gentlemen at present confined in different parts of this kingdom. The misfortunes incident to human nature have always a claim to our pity and attention. The industrious trader labouring under the pressure of want, is an object deserving compassion, and merits that assistance, which decent poverty may expect from affluence. But allow me to say, that the brave officer, who in the moment of danger boldly stepped forth for the defence of his country, braved the inclemences of a pestiferous climate, sacrificed domestic happiness, and spent the hybla of youth in toils and dangers, justly demands in adversity, the regard of a wise and beneficent legislature. Inconsistencies and errors of youth are common to all men. In that season of fancy we commit actions which
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mature age disapproves. This is not however a case in point. Most of these gentlemen experience their present distress, not for the luxurious phantasies of ton, but for merely the necessities of nature. As their rank has been higher than the common line, they experience more misery of affliction than others. Indeed some years back, these poor distressed men, scarcely expected to behold the evening of their days, thus clouded, and darkened.

None deny the necessity of enforcing demands by the confinement of individuals; it is well known that some hardships must be sustained for a public benefit; that justice is not to be beat down by ill founded compassion; but we cannot assent to the principle, that those who have brought calamity on themselves must abide by its consequences. These assertions, (which to be well founded, should preserve a medium) are inculcated daily. But it is no presumption to affirm, that such doctrines if carried to the height would appear of a most dangerous tendency. We ought not in a general argument, include every particular. Granting that legal means are often necessary, still this will not lessen the misfortune of those, whose first admonition is a writ, including a sum, infinitely beyond its due, and which they are compelled to acknowledge, lest other creditors should put in their claims at a critical time. It does not appear that by new modelling the debtors' laws, the

community would be any ways injured, on the contrary they would be as well secured as at present, and suffer less inconvenience in their mode of payments. In the next place as to a public benefit. Surely the public reap no benefit from the hard treatment of their relatives and fellow-citizens; unless the outrage committed by individuals on humanity, should be termed a *bleffing*. We venerate the decisions of justice, yet know, the most savage barbarity is mistaken for it by the misguided. With equal consistency let us reprobate the impolitic and Yaghgoo doctrine of not succouring the wretched, since we must know, that we exist chiefly for this purpose. These and such like vague sayings are the chief props of this kind of slavery. Rectitude and general tranquility, are weapons of very ductile natures, and are always against the friends of reform.

Hitherto our remarks were confined to such proceedings as seemed inconsistent with justice and humanity. It is time to measure the subject by the scale of interest. Should we ascend to the primeval forms of society, we shall find that many deplorable consequences have always arisen from this branch of feudal slavery. The Roman government, excellent in many respects, in this essential part (debtor and creditor regulations) was most barbarously cruel and absurd. It is unnecessary to repeat the many violent shocks the republic repeatedly received for want of
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due consideration to this important object. The chief mischiefs that have flown from it, seem to be the fit opportunities afforded the promoters of commotion, to disguise their designs under the mark of patriotism. Was any disturbance excited, it never failed to be ascribed to the uneasiness of the plebeians, goaded by the fetters of their opulent creditors! Was an army wanted, men were readily found glad to embrace any foreign dangers, rather than perish at home! Did any man wish to raise himself upon the ruins of his country—the surest method of gaining followers, was to give entertainments, rail at the luxury of the rich, pity the condition of the poor, promise them a repeal of the laws, and a perfect indemnity for all their debts, together with the proscription of their creditors. The senate often endeavoured to stop these machinations, but the only means to accomplish this subject was the abolition of debts. This after many promises, and as many breaches, they were at last obliged to perform. They at length opened their eyes, and perceived the folly of distressing the chief supporters of the state, for the gratification of a few individuals. They found by experience, that the people were but too well disposed to shake off the yoke of masters, whose sole purpose was to keep them in poverty and subjection. Indeed a wise author, most justly observes, that this scheme of harassing the lower classes of the people, was the surest way to establish an imperious aristocracy.

cracy. It gave the patricians full power of corrupting the several channels of election, by means of the influence retained over their debtors.

As to modern times, we should wish to draw a veil over the late excesses of the French nation. Perhaps it may be said in their justification, that they were deceived.* It is believed that many enormities were committed, deserving severe reprehension, but by

* These remarks were written after the riots on the 10th of August, and by no means reflect on the late unfortunate King of France. With respect to his massacre, there is but one opinion, namely, that it was the most foul murder that ever disgraced the annals of any nation. Whether monarchy or republicanism is most suitable to the prosperity of that country, we shall not presume to affirm, the latter form of government would certainly be peculiarly detrimental to the interests of this country (in point of trade). A dangerous emulation, not to say rivalry, would ensue, they would become as enterprising as we are; and their colonies and ports are well situated for such a design. After all, it is not probable that royalty can be entirely overturned, but should this event take place, it may, in a great measure, be imputed to the misconduct of the emigrants, who, though they had full liberty for three successive years to return to their native country, seem to have spurned this idea, and to have placed more confidence in ideal speculations.

How happily situated are the subjects of this flourishing isle! They possess peace, property, and independence--- Tranquil spectators of wretched dissensions, they have above other nations, sufficient leisure to compare and estimate the hereditary blessings they enjoy. Let them continue to cherish true Liberty. Their ancestors often bled to promote this consummate happiness. They were aware of its value, and knew it to be the axis of the state. Their descendants have been careful to guard this treasure: But
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no means sanctioning the sanguinary execution of an infatuated, enraged, populace.—Let us lament with all good men, the shameful violation of justice, in the instantaneous massacre of persons not guilty, and not duly convicted by law. However, if it be proved that they were beset by traitors, these excesses will not appear of so criminal a dye. For according to the universal laws of nature and self-defence, *aliquando gladium ad occidendum hominem ab ipsis porigi legibus*, Cicero—certainly we justly defend that life which we owe only to the Supreme Being, or the laws; and of the two, if we are to be exterminated, it is safer for us to destroy than be destroyed. As to the rest of their tragic manœuvres, the exemplary vengeance taken on the bodies and houses of their creditors, by the debtors of that kingdom, is not altogether so surprising if we reflect on the situations of men confined in French gaols; their patience wearied by long and fruitless expectation, and their bodies emaciated by famine. Men in such moments as release from bondage, have but two suggestions—gratitude to their deliverers, and vengeance ready to be poured on their oppressors.

this is a generous manlike freedom, sanctified by reason and warranted by law: It is the protection of all ranks, and depression of none. Unfortunately this sacred name is often misused---Rapine and licentiousness have endeavoured to claim its respect. There is a material difference---so bright an emerald admits of no rust; if once sullied, it loses its charms, and descends into savage ferocity.

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The English nation has with a bounteous hand, extended relief to the unfortunate French. This generosity cannot be censured, it was consistent with our character. Let us having relieved our neighbours, next turn our attention to the miseries of our own soil; and surely deserving objects are not wanting; it would seem preposterous, if while we assisted foreigners, we should at the same time remain deaf to the supplications of our own fellow-subjects. Abroad, indeed, the magnanimity of England might be admired—at home it would be considered as useless ostentation. Praise thus procured would be of small value. Ignorance and prejudice have spread more devastation among mankind, than all the crimsoned bands of merciless despots. To these sources, we must attribute this long disregard to the wants of our brethren. Of late the public eye, by the virtuous endeavours of an eloquent Commoner *, has been led to so deserving an object, an object which if neglected, would fix an everlasting infamy on any country. The public trust, and we hope they will not confide in vain, that our legislators and judges will ardently co-operate in so noble a cause.

* Mr. Grey. A Gentleman equally remarkable in the cause of humanity as his noble Co-adjutor. From this accomplished Orator's parliamentary conduct, we are induced to imagine that *virtus post nummos*, a maxim the favorite of the present day, is not one of his tenets.

This measure, if perfected, will silence every murmur—it will shew the world that the complaints of Englishmen have only to be uttered to be redressed.

Such a resolution would be really generous, and universally applauded. Few praises or rewards could be deemed sufficient for such exertions. The least recompence, and what is greater, would be the unanimous thanks of their fellow citizens. The poor objects by them restored to second life, would every where re-echo their plaudits; humanity would ornament them with the ensign of virtue, and they will experience the pleasing sensations of having, by their honorable endeavours—lessened the sufferings of mankind.

Let the advocates for oppression disclaim such measures—yes, let them boast a senseless stupor, let them discard all benevolence—but let them beware how they prophane the name of justice: They know not the charms of that divine impulse. To them it would be a greater source of gratification to behold the unnecessary multiplication of dungeons! alas! has not misery sufficient tenants. Would it not be the part of wisdom rather to diminish than encrease the number of goals. The vast sums of money laid generally out for erecting these caverns of desolation, would be better appropriated towards rendering them useless. A late French lawyer observes—that where new laws are daily made, new
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places of punishment assigned, standing armies encreased, &c.—that these are the truest symptoms of weakness. The simplicity of its laws—the mildness of its punishments—the scarcity of places of confinement, are in every state the chief testimonies of its purity, moderation, and justice.

There are confined for debt very nigh 12000 men; more than a fourth part of this number are destitute of support. This number is truly alarming, whether we consider so many people lying useless, or view so many members of the state struggling with poverty. We may to this calculation add those that are attached to them by the ties of affinity. The most part of these are children of tender years, and look up to their unhappy parents for future support. We fear they have but a distant prospect of enjoying this blessing. Education, one of the means, is entirely out of their reach; and industry (another necessary ingredient for a settlement in life) is banished from goals, and dissipation maintains its place. The husband is unable to support his wife—the father his family. All accounts agree that it is impossible to exist under a less expence than from fourteen to fifteen shillings per week. This is the least sum a decent man can spend for his maintenance. There may be some who live for less, but for these few, there are others who spend treble as much, and again some who double this last sum. To these gentlemen, confinement is no very great
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inconvenience. A dispassionate man will regret the loss of so large a portion of society; he will in their distress forget their faults—he will reflect on the benefit mankind might have received from their labours; and with sincere anguish, he will pause on the distresses of their miserable offspring.—They, alas! but too soon become the prey of vice and infamy. Some of the males, gifted with extraordinary strength of mind, may have courage to withstand the tide of villany, and force of example; but what examples of honor and decency attract the attention of the softer sex—a total defloration of decency generally prevails. The pangs of sorrow, gripe of penury, and stings of despair, stagger the resolution of the bashful virgin: and the allurements of pleasure, joined to the intercourse of vice, compleats the triumph of lust over unprotected innocence. Thus the woman, who would have gladdened the mansion of humility, or soothed the woes of a widowed mother—falls the unsuspecting victim of abandoned artifice—subject to the capricious temper of man, the unfortunate too soon experiences his levities and ingratitude. She then becomes the spoil of more hellish instruments—and amid the remorse of guilt, forced by the pressure of indigence, is obliged to gratify the force of passions she no longer participates of—happy, if in an early age consumed by the flames of intemperance and prostitution!

The accommodations afforded to prisoners is another subject deserving much censure—The rooms are bare, damp, and noisome—and are let at extravagant prices. Often the weekly rent of a room proves the landlord's subsistence. In most of them seven or more persons are lodged at a time ; indeed, to get a decent apartment, it is necessary to administer a *douceur* to the officers ; and it is common to see in one room a promiscuous intercourse of the sexes. In the winter season being allowed no fuel, or general fire-place, they, to soften the inclemencies of frost and snow, are obliged to resort to coffee or bar-rooms—every article in such accommodating places is disposed of at enormous profit.—Those who are unable to procure lodgings, or whose rooms are so bleak as to require some heat, generally spend their evenings in tap-rooms, and their nights on the stair-cases. These are disorders which have long predominated, and require the most severe regulations. The apartments are generally monopolized by the attendants of the prisons. The injustice of this measure is self-evident ; misfortune should be solaced, not further enhanced !—The resort and expence attending the tap-rooms, &c. has been greatly increased, since the abridgment of the rules. This measure, which we imagine was adopted for the good of the prisoners, has in the end been productive of no single advantage. The plea of morality, was its principal battery—

tery—but it has only transferred licentiousness. Economy was another of its engines—but it has only served to put the money then expended abroad, into the purses of the contractors at home. No very great equity was evinced in curtailing liberty—or in pocketing the money received for the privilege of the rules. As we have mentioned this last article, it is not proper to pass it by unnoticed. The utility of this measure, together with the exacting fees in term time for day-rules, have never appeared; nor are such proceedings reconcilable to the maxims of pure integrity. Law, which is founded on justice, should ever be impartial; it ought, as the profound Montesquieu observes—*savoir condamner, sans hair*. The axioms and duration of barbarous rules established by time and ignorance, should not exist in more enlightened periods of wisdom and experience. An obstinate adhesion to these principles, has been the source of endless contention; and instead of benefiting, done much injury. Was it ever known for what reason money is exacted from confined debtors, for enlarging their bounds of recreation? Is it not reasonable to suppose that an individual pays sufficient atonement for his debt, by the loss of his liberty, without being obliged to hire a small extension of it? Surely this indulgence thus fettered, does not bring along with it any real good. Why not rather extend this privilege to all? Security may be had without this

this expence, and the safety of the creditor would be as fully confirmed.

Want of medical assistance is a shocking abuse, that cries aloud for the interference of humanity. Shall we presume to call ourselves christians, and suffer our brethren to perish! does all our boasted humanity consist in pomp and speculation! We have a profusion of hospitals, and funds sufficient to ensure the aid of medicine; but how few have been found gratuitously alleviating the complaints of indigence. In the most wise institutions the most flagrant negligencies often prevail, and in the most vicious we sometimes discover some faint gleams of compassion. It was said in justification of a measure that cannot be sufficiently reprobated (the continuance of the slave trade) that the natives of Guinea, were in a happier state of life than the peasantry of this kingdom. To this assertion we must give a decided negative; but as to their having on all occasions medical assistance, we cannot contest its truth; but attribute this clemency, to motives of sordid avarice, not to the effusions of charity.

The confined captives of England, to their sorrow experience no benevolence from either of these points. The spirit of luxury, which is nearly related to avarice, has these some years past made rapid strides into public favor,
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* instead of regarding our neighbour's wants, we find ample employment in gratifying our own appetites, and seeking out new objects of sensuality: This distemper encreases by possession; the more it has, the greater are its desires, its thirst is insatiate. We trust, that this fever however dangerous is not incurable. Our remedies are simple and sound, the curtailng hand of economy can produce wonders; it will heal the wounds of luxury, and enable us by retrenching superfluities, to make happy our indigent citizens. One means of this much to be desired event, would be *the establishing a regular physical attendance* in the different prisons. Let those who enjoy liberty and good air pity the deprivation of these blessings. *Summa vitæ brevis*, as the Augustian satyrst elegantly terms it, quickly vanishes. Mankind have sufficient pain in struggling against those disorders, to which our being is subject, without encountering additional grievance. If the potion of calamity must be swallowed, let us mitigate as much as in our power the baneful draught; and in doing this we contribute not a little to our safety. Till lately nature was the only physician, (I believe

* A judicious author is of opinion, that men, who revel in the sunshine of fortune, as well as those over whom adversity has cast her iron brand, are equally subject to be severe. He observes, should humanity be sought for, she will be found in the bosom only of mediocrity. Those who partake of this golden mean, as they participate of the above extremes, are by experience most compassionate to the failings of human nature.

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even now there is no medical help) the hapless victim of disease was suffered to languish in silence. His body after his decease rarely received the rites of burial, it was suffered to rot and putrify, and it is owing to providence, that plague and pestilence, did not once more spread among us havock, and desolation, and ruin. The grave generally obliuates all distinction, here sleep in peace, the oppressor, and oppressed. By the command, we are informed (of Mr. Secretary Dundas) a stop has lately been put to these Vandal spectacles, this gentleman merits the greatest praise for so seasonable an act of mercy.

As we do not agree to the mode of rooting up every thing, in order to improve, but are disposed to prune and meliorate those boughs that are decayed, therefore our wish is not to amputate, except where the evil is beyond remedy. No less sensible of our inability to offer regulations (in the weighty cause of our fellow-creatures' happiness) what we have to say shall be presented with modesty. It was with unheard of anxiety, that the debtors were witnesses to the late laudable attempts in their favour. Leaving this benevolence to flow from so honorable a fountain, we shall not dare to pollute its streams, but as our engagement in this work arose from an impulse of sentiment; we will continue to expose the nuisances of this antique system, and to expatiate on their lenitives.—
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Agreeable then to this resolve, we suggest the necessity of appointing funds for the burial of such as are of themselves incompetent to attain this last of human ceremonies; and that the public should suffer as little as possible, it would not be amiss to oblige the rigid creditor to be a partner in this expence: I mean such creditors as have refused all overtures to an accommodation, and are not benefited from the duration of their debtor. The completion of this, will not be sufficient, we should endeavour to aid them in their last moments, with the consolations of religion. Hence ensues the necessity of appointing ministers, who at that time shall be bound to attend them; in the present liberal age, religion should not be fettered by bigotry or prejudice. Let every one then according to his belief, have the benefit of his own pastor. Permit them at all hours the liberty of access and egress to the sick. The encouragement of such visitors will be the most effectual means of overthrowing the inundation of corruption, which at present is said to subsist. It used to be a complaint in ancient times that great care was paid to the soul, but hardly any to the body. To prevent this censure order the keepers of prisons, to have their premises cleaned so many times weekly. Let the prisoners be obliged to sweep and adjust their rooms every day. Appoint proper officers to inspect the provisions; and in order to stop effectually all kinds of peculation, let every necessary of life be sold at the regular market

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prices. This will be effected by inflicting heavy penalties on those who disobey. At present the great expence attending confinement arises from the high price of every article. Many persons from small beginnings have amassed large fortunes, by trespassing on the necessities of their brother debtors.

The education of youth claims next our attention. It is a most important object, and cannot be too strongly recommended. It should not be a temporary subsistence, but a fund should be established for the rearing, cultivation, and final settlement of the debtors' children. At present they are not nourished, cloathed or educated. There can be little doubt of this measure receiving the sanction of the legislature. Schools should be established for the benefit of such as are not able to procure the blessings of education: Intelligent masters provided; liberal salaries annexed to their employments, and rewards distributed among those youths who should distinguish themselves by genius or application. A similar mode might be pursued in the education of the females. When arrived at woman's estate, they should be portioned to decent husbands. The means of providing so necessary an establishment as the above, must flow from the purses of the public; and surely they have been applied to worse purposes. Before we strike into foreign pursuits, we should explore those deserted parts at home, which deserve
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and require great attention. I am aware that this scheme may seem to some, more adapted to theory, than fitted for practice. But I trust that most men will join me in affirming, that most of these regulations proposed, would strengthen the foundation, and beautify the fabric. The late Mr. Howard (whose philanthropy shone with unrivalled lustre) sanctifies in part these observations, and it is not the least amiable side of his character, to have relieved the miseries of a prison.

Not to have swerved from the path of justice, is praise-worthy; still more so, to have stepped into the tracks of beneficence. England enjoys numerous advantages over her sister kingdoms: Her wealth, power, wisdom and urbanity, have long crowned her with a superior renown. She ought carefully to preserve this aggrandizement; perhaps the surest way is to redress those grievances that have crept in, and been fostered by the hand of time: Self-interest, and a foolish adherence to old fashioned maxims (unfit for the present day) may for a while protract the new modelling of the debtor and creditor laws; but policy, and reason, and justice, dictate and enforce the absolute necessity of this desirable event.

The suppression of all gaming houses, under forfeiture of heavy fines, forms an ardent object of desire. This vice is an incitement to profuseness and dissipation—it robs the

debtor and his family of their last resource. The infatuation of play should be beat down by severe penalties—where the disease is great the remedy must be violent. This prodigality has often been objected to, but candour obliges us to confess, that few have it in their power to indulge this propensity of play. The most effectual checks on gaming and drunkenness, would be the shutting up such houses as live by these means, and the extension of the rules to their ancient limits; together with the use of a constant fire-room in winter for the benefit of the prisoners, would be very apt still more to impede this delusion. Sacrificing a little to general utility, is of infinite service to make mankind happy—we must prevent their being otherwise.

The obvious reason of repressing a spirit of play, is the encouragement of trade. There are not one hundred persons in the King's Bench, employed in any business. To cherish this last object, is well worth regard. This once completed, the taverns will not have so many proselytes, nor the gaming-houses so many followers. To extravagance we oppose frugality—to debauchery, temperance.

It may not be improper to provide for those who have no support but their weekly groats. This allowance, two or three shillings a week, is quite insufficient to support a bare existence. Was no person to be confined for a less debt

than sixty shillings, it would prove a remedy, and be no detriment to the creditor. There are hundreds confined for twenty, thirty, and forty shillings, who are almost starving!— Might not this last article be put on such a footing, as to compel every debtor to pay such a sum weekly as two arbitrators should adjudge suitable to the receipt of his labour. In case of non-adherence to this verdict, make the consequence the caption of his body, till the debt be liquidated. It is difficult in a cause of such serious import, to devise terms that may suit both parties, without encroaching on the boundaries of moderation and justice. These two preservatives of human intercourse, must ever be regarded as most essential qualities. An infringement of either is in every community of infinite danger, and an attempt never to be tried. They ought always to maintain a mutual harmony—the prevalence of the one, without the aid of the other, forms not the plan of perfection—when united, their force becomes conciliating, and irresistible.

I am persuaded that the adoption of some such plan as the last, would be of signal advantage. There has been great objection made to this species of barbarism, it cannot have a better name. Is it consistent with humanity, that men for such paltry sums should be deprived of their liberty? What must become of the wife and children of a man, whose only support is his daily labour?

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Or what must be the condition of such a being, putrifying in such gaols as our common prisons are. Our object is not to breed but rectify disorders. The very exterior of these buildings will confirm this fact. For these many years repeated calls have been made on public generosity for the assistance of the poorer kind of our confined debtors. The readiness with which these summonses have always been received, is a sure proof of their necessity. Should a more ample testimony be required, it will be found in the characters of those generous men who have condescended to receive relief for the aid of misery. It is to be hoped that the opinion of our fellow-citizens thus evinced, will help to crush this petty system of cruelty.

To these misfortunes and the immoderate stamp duties imposed on new processes, and the voracious costs and fees of prison, it often happens that a debtor, after a tiresome captivity, finds means to soften his creditor, but is still detained, by the exorbitant charges of imprisonment. O shame to civic foresight! —our ancient luminaries of politics, would lament to think that the channels of justice, were by any means in danger of being corrupted. We commiserated the persecution of the Poles, we smiled on the exertions of peaceful liberty, but still we have not attended to this great duty: how much better would it be for us to leave of religious distinctions

tinctions, and attend more closely to the intrinsic happiness of man? It would be far more commendable to intermix a little patriotism with our phrensies. We should find ourselves as conversant with scripture, and somewhat more with charity. *Homo sum humani, a me nihil alienum puto*, Terence—would form no bad commentary on most of our enthusiastic raptures.

Any system that tolerates a perpetual imprisonment for debt, should be abolished. It would be discordant with religion, reason, or right, and must appear like the vestige of feudal slavery. Grafted from no principle of equity, it would remain the offspring of Power, supported by arbitrary sway, and established by absurd, deluding custom. This monster, engendered from the loins of Tyranny, (and ever worshipped in barbarous countries) is unnatural, grievous and extirminating. Long had the chains of despotism, woven with the Gorgon knot of usual practice, enslaved the world. Mankind knew not, dared not investigate their rights.—The few over whom Reason had spread her imperial banners, though convinced of her unerring rectitude, yet feared to anticipate her reign, save in speculation. Time, and the improved state of man, overwhelmed the impostor. The egis of truth disarmed the weapons of error, and though untimely scruples, joined to the force of habit, still continued to fascinate the credulous, the
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fun of philosophy shone with lustre ; its progress was indeed not impetuous—tho' slow it was sure. At length its brilliancy appeared pre-eminent, amid the mists of ignorance, and the sophisms of necromancy. The rays of science have illumined those parts, which were before obscured by the darkness of superstition. An emulation for the arts became universal, and this will be productive of the most generous consequences.

How far the world has been benefited by the incomparable arrangement of latter periods, is founded on everlasting testimonies of irrefragable authenticity. Whether we compare the present regulations of society with those imperfect ones of past ages—Whether we inspect personal property, contrasted with feudal dependence ; or view the liberality of modern years, unsullied by the demon of persecution—we have every ground to rejoice and bless the change. But though we have gained great and important advantages, there yet remain a few remnants of antique grievances, which ought to be speedily overwhelmed. Immuring our fellow-creatures for life would be a ferocious act of cruelty ! Nor could the most free and generous nation ever suffer her citizens to be ingulphed in such despair ? On no system of equity can the most miserable of beings—the *indigent debtor*—unpolluted by crime, be consigned to a perpetual captivity. It is surely not enacted by the laws—for what is law but the bulwark

wark and delight of man—it is the link that binds and harmonizes society. To satisfy the malice of his enemy—to encourage an unnatural depravity—to enable the savage to glut his triumph with the life of his captive—an indigent debtor is consigned to perpetual incarceration. This proceeding would be an assemblage, of all that is contradictory to interest, inconsistent with reason, and allied to barbarism in human nature.

To throw a little light on this subject, we submit the following queries to the unprejudiced, not doubting their being received with candour.

Whether on any principle of religion, which recommends the forgiving of injuries, we are authorised to cause our fellow-creatures misery?

Whether we obey the impulse of reason, or the rage of passion, when we exercise a dominion, over our fellow-subjects; which dominion is unfavourable to our interest, and inconsistent with the end of being?

Whether, we do not tarnish the beams of justice, by perverting its sanction to a measure, which when scrutinized, we find to want the aid of reason, the plea of public, or private convenience, or the fiat of moderation—the constituent appropriates of true justice?

Whether eternal imprisonment, could be defended,

defended, as agreeable to the spirit of our Constitution, or can it be regarded otherwise, than as inimical to the tenor of Magna Charta, which national palladium, was procured by the blood, and toil of our ancestors, for the happiness of the nation—safety of individuals—and lasting liberty of the English government?

Whether in all cases an indigent debtor, is guilty of such an atrocious offence, against the laws of his country, or against the peace of mankind, as to be debarred the common rights of nature, and incur the deprivation of his liberty?

Whether the present debtors' bill is a good and perfect one? If it be perfect, why is it generally contemned, or since it is every where reprobated, does it not become essentially requisite to form such a one as may give general satisfaction?

Whether it would not be a disgrace to our humanity, that whereas in other respects, we possess great and durable blessings; we should in any measure tolerate such a base relic of gothic servitude.

In a country, so jealous of its privileges, this power vested in a creditor would be highly impolitic. It would give him an influence unknown to the spirit of our constitution, and if this should increase we must swarm with petty tyrants. But must the effects end here? No. It is infinitely dangerous to our morals,

als, should men persevere in such cruelties, cruelties rather Turkish than Christian. The seeds of freedom so carefully intermixed in our ordinances, become barren. Indulge the passion of iniquity, and no bond of faith, or honor, will hinder it from trampling under foot all laws human and divine. Instead therefore of propagating the knowledge of clemencies, we should patronize tyranny, the most odious as well as the cause of all other vices. Villainy is sufficiently contagious, without fanning its gales by enticement. Of all the attributes of human nature, Shylock barbarity is the most disgusting.

The only leg on which this system (perpetual confinement) is defensible, is by contaminating the reputation of justice; this is a stalking horse which screens all its defects. Attack it on any side, and the ghost of Custom rises up in its support. In truth there is not an atom of well founded right in this composition; but the most shameful of abuses, can always find some ingredient of a more decent aspect, than the rest: Even the basest jugglers are not at a loss for some plausible pretences to further their ends. One of the parts of justice, and, according to Cicero, the most essential, is the protection—not violation—of the Rights of Mankind. But in the true definition of the word, there must be disseminated, the generatives of prudence, and universal advantage. The ignorant can only be imposed upon by a specious derivation. This immaculate and even tempered deity is

never imperious. She must be separated from the kindred of despotism, a friend which often foists itself into notice by the forgery of her name. In disjoining justice from tyranny we mean not to deny, what is incumbent on us to declare, that to give each man his due is an unalterable tenet of her creed. Far be it from us to impeach this truth, it is known, and revered.

Here then are the remedies prescribed against perpetual imprisonment—a measure unjustifiable by the laws of God and man. We have hinted at the contrary practice in other countries, and it is more peculiarly our duty to attend to this business, as our debtors, exceed in number, those of any other country. To imprison a man, who is unable to pay his debts is a foolish proceeding. The law never meant to give such a power, it wisely gave a means of enforcing payment, but could not conceive that there existed persons base enough to embowel for ever their fellow creatures, particularly, where no advantage ensued. The best designs are often subverted to the worst ends. No age however improved, should be allowed to lay down rules for its descendants; the world becomes every day more enlightened. Would it not be better entirely to *abolish imprisonment for debt*, and in its stead, impose the most exemplary punishments on those persons who possessing sufficient property to discharge their debts, would neglect this duty?

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By such an expedient we shake no part of our ancient code; we possess equal, if not greater security for our money, than heretofore; I say greater, because to men of affluent fortunes, it is no very particular misfortune to live within the ordinary bounds of a goal. Aware that to perfect this plan, a *capital pain*, ought to be the preventive of fraud, and also to end entirely all tricks and evasions, make *death* the punishment of those who embezzle their estates, in order to cheat their creditors. Contemplating the happiness that would in other respects ensue, no great objection can be made to a punishment, which will fall only on the guilty. Bad faith should be taken into consideration, and magistrates might be nominated, who would inflict heavy penalties on such as should violate a breach of trust. It might not be improper, to take the present arbitrary power out of the creditors hands, and consign it to the care of respectable commissioners, whose duty would be to contrive the most speedy remedy for all wrongs.

The reader will not be further tired with any digressions on this subject; it is rather a tedious undertaking—but the magnitude of the nuisance demands an effectual and vigorous remedy. It is not the cause of a few persons, but the cause of all men. They are most intimately interested in this design. The loss sustained by the captivity of so large a portion of our citizens, renders the present fashion
of

of durance extremely alarming, and no excuse can be urged in a matter of such moment. It was said, that an assuaging medicine has been prepared for the curing of this distemper. There is great need of some alleviative; but how remiss are men in any other concerns but their own; and this mixture has not proved of such temperament as entirely to eradicate all the offending matter: Perhaps it will turn out, but a momentary, obliviating potion, which may protract for a while the pain, but in the end, the disorder will return with reiterated violence. These surmises, may be vain—may they prove so! The humane will in such a cause pardon our fears—our nature is capricious and inconstant.

The friends to this reform are truly respectable. They are persons of enlarged understanding, liberal ideas, and independent fortunes. They perceive this reformation, to be closely connected with national desire, and national property. We omit any farther panegyric: the most critical inspection of their characters, would prove their best eulogium. But the opposers of this bill—are they men of honesty, virtue, or humanity? there may be a few of this class, but, the major part are people, who by petty knaveries, ærial schemes, ulurious contracts, and crafty extortions, riot in the spoils of the unthinking. To such persons, who in order to deceive, boast a counterfeit integrity, who are no otherwise equitable, than for fear of the laws—
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who spend their lives in one constant practice of such vices, as are a reproach to good faith, decency or morality! no wonder that the very thought of any infringement on their darling occupations must be to them displeasing not to say insupportable.

Before we quit this subject (the relief of the debtors) we must remark, it has generally been coupled with a motion of a different nature—the necessity of a Parliamentary Reform. It most certainly has nothing to do with it; but admitting it has, there is nothing indecorous in the relationship. The gentlemen who bring forward this proposal, are not to be feared; they are most of them the country gentlemen of England—the pride and safeguard of their country. They persevere in the footsteps of many illustrious characters, whose reputations will be immortal. All those who are not jaundiced by faction, must heartily concur in these designs. They inspect matters, and weigh arguments, and it is by rational judgment, and cool determination, that they have procured the sanction of the public voice. They need not be suspicious, concerning the agitators of this question. Ministerial influence, not patriotic independence, is to be dreaded. Whenever (which has been often) this country has been endangered by the former, it has always been upheld by the herculean arm of Patriotism, and it is this arm, that gives energy to her
frame,

frame, vibrates, through her members, and preserves the equilibrium of the state.

To those, who demand—what shall be gained from the success of these measures?—we answer—There will not be the most distant reason to fear—*Princeps super Leges*—but the case will be always *Leges super Principem*, Pliny. We must for ever possess every part of our representation free and uncorrupted. The prospect is truly delicious and beautiful—in fine, we shall obtain all that can be desired or sought after—a constitution such as our ancestors possessed, and such as we still retain, tho' tinged with a few blemishes. And, O! that we would contemplate their virtues, and square our actions to the model of their manners.* We would then every where be greeted with manlike modesty, instead of counterfeit assurance. Instead of a land shackled with licentiousness, and weeping over the frail votaries of pleasure, we would find purity of manners, decked with nobility of sentiment. England will be the balance of the world—Liberty will unfurl her golden banners, untainted by the infectious scents of sedition. Her sons will shine as the depressors of Tyranny, and her daughters will be hailed as the descendants of Modesty, nurtured by the Graces.

* The Hampdens, Sidneys, Russels. Russel, the illustrious martyr in the cause of freedom, as long as the name of liberty shall be dear to Englishmen, the fate of this nobleman will be pitied, his conduct emulated, and his heroism applauded.

CONCLUSION.

THE sun has its spots, and justly as we esteem our institutions, their defects have been observed; and these, would appear greater, were they suffered to increase by unnecessary caution. All delays are vain and sublunary. If an enquiry into these disorders is at this time unseasonable, will they be lessened by continuance? Does not the gangrene take root by delay, and is it not healed by a severe, but alleviating probe? If a neighbouring kingdom is convulsed, let us take care, that ours may never participate of its shock. If these complaints are imaginary, prove them such by an impartial investigation. It is a shame, that they have so long existed—but it is never too late to work for the happiness of mankind.

I shall here finish this address, by wishing in the words of the all eloquent Roman orator, *ita cuique evenat ut de republica meruit.* Cicero 2 phil. in Antonium—May every man be rewarded by his country according to his merits.

FINIS.



